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HOUSE BILL 2185  
By Westmoreland

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 1, relative to theft detection shielding devices and theft detection device removers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following as a new section:

Section 39-14-151.

(a) A person commits the offense of unlawful use of a theft detection shielding device who knowingly manufactures, sells, offers for sale or distributes in any way a laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(b) A person commits unlawful possession of a theft detection shielding device who knowingly possesses with the intent to commit theft or retail theft any laminated or coated bag or device peculiar to and designed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(c) A person commits unlawful possession of a theft detection device remover who knowingly possesses any tool or device designed to allow the removal of any theft detection device from any merchandise with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding the merchandise.

(d) A person commits unlawful removal of a theft detection device who intentionally removes the device from merchandise prior to purchase.

(e) A violation of subsection (a), (b), (c) or (d) of this section is a Class E felony.

(f) The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided sufficient notice has been posted to advise the patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.

(g) The taking into custody and detention by a law enforcement officer, merchant, or merchant's employee pursuant to subsection (f) of this subsection, if done in compliance with all the requirements of such subsection, shall not render such law enforcement officer, merchant, or merchant's employee criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

